IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.04.2010

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P. NO. 18914 OF 2004

Dr. Indiran Nanchil .. Petitioner

- Vs -

1. The President
Dhakshina Barath Hindi Prachar Sabha
Meloney Street, T. Nagar
Chennai 600 017.

2. The Inspector General of Registration
No.120, Santhome High Road
Chennai 600 028.

3. The Deputy Director (L)
Central Hindi Directorate
Shastri Bhavan, Chennai 600 006.

4. The Deputy Inspector General of Police
Central Bureau of Investigation
Shastri Bhavan, Chennai 600 006. .. Respondents

Writ petition filed for the issuance of a writ of mandamus directing the respondents to reconstitute the Dhakshina Bharat Hindi Prachar Sabha as per the Dhakshina Bharat Hindi Prachar Sabha Act, 1964 (14 of 1964).

For Petitioner : Dr. Indiran Nanchil, Party-in-Person
For Respondents : Mr. B.Vijay, GA for R-2
Mr. M.Devendran for R-3
Mr. K.Harishankar for R-1
No Appearance for R-4

ORDER

The writ petition has been filed seeking issuance of a writ of certiorarified mandamus to call for the records relating the Dhakshina Barath Hindi Prachar Sabha (hereinafter referred to as the 'Sabha'), to reconstitute the Sabha as per the Dhakshina Barath Hindi Prachar Sabha Act, 1964 (Act 14 of 1964).

2. The petitioner, Dr.Indran Nanchil, who claims to be a life member of the Sabha and also President of All India Annai Sonia Tamil Valarchi Peravai and also claims to be the leader of a Trade Union and former student of the Sabha, has filed the petition on the ground that so many complaints alleged to have been made by the public to All India Annai Sonia Tamil Valarchi Peravai against the Sabha. In view of the complaints received from the general public, the Executive Committee of the All India Annai Sonia Tamil Valarchi Peravai appointed a 5 member expert committee headed by the

petitioner to observe the activities of the organisation and to submit report before the Hon'ble Leader of the Opposition and President of the Sabha.
The petitioner, who appeared in person, submitted that he had written a letter to the Inspector General of Registration on 5th Sept., 2002, for re-registration of the Sabha as a Society under the Central Act 14 of 1964. The 2nd respondent rejected the request of the petitioner to register the Memorandum of Association. Further contention of the petitioner before this Court is that, the Sabha has not been functioning properly and since there were complaints about the unwanted activities of the Sabha, the same was reported to the Central Bureau of Investigation on 26th Oct., 2002, but the Central Bureau of Investigation replied to the petitioner on 23rd Dec., 2003, after one year, stating that the complaint has been verified by the Central Bureau of Investigation and found that the matter does not warrant any CBI investigation. Since the alleged irregularities happening in the Sabha has not been properly looked into by the Central Government, the present writ petition has been filed under Article 226. The petitioner further contends that the withdrawn of monthly salaries for the office bearers from the fund belonging to the Sabha is being misutilised and the 2nd respondent also has failed to exercise his power u/s 52 of the Tamil Nadu Societies Registration Act. Therefore, when application was made for new registration as a society, the District Registrar, South Chennai, in his letter dated 14th July, 2003, declined to accept the new registration, which was erroneous. For the abovesaid reasons, the petitioner prayed for the relief mentioned therein.

3. The 1st respondent, President of the Dhakshina Barath Hindi Prachar Sabha, filed his counter stating that the 1st respondent Sabha is an institution of national importance founded in the year 1918 and, subsequently, it was registered in the year 1927 as a society under the Societies Registration Act (Act 21 of 1860). It is further mentioned that the 1st respondent institution is founded by the Father of the Nation, Mahatma Gandhiji, with the avowed object of propagating Hindi in South India. Subsequently, the Sabha was declared as an institution of national importance and, therefore, an Act was promulgated in the year 1964 known as the Dhakshina Barath Hindi Prachar Sabha Act, 1964, which came into effect on 1st June, 1964. By virtue of Section 6 of the Act, the entire supervision of the Sabha vests with the Central Government. Therefore, the accounts, alteration of rules and regulations and dissolution of the Sabha cannot be done without the prior approval of the Government of India, since the provisions of the Societies Registration Act had no application, in view of Act 14 of 1964. When the petitioner presented an application, the District Registrar verified the account books and also made periodical visits to the Sabha and all the details and particulars sought for by the petitioner were given in the year 1984. As on today, the Sabha has been furnishing accounts to the Central Government every year and there is no complaint of any nature either from the Registrar of Co-operative Societies or from the Central Government. Whileso, the allegation of the petitioner that the society has been removed from the list of societies as and from 6th Feb., 1984, is baseless, unfounded and false. Therefore, the petition seeking reconstitution of the Sabha should be rejected as it is devoid of merits.

4. The 3rd respondent also filed its counter refuting all the allegations made by the petitioner as baseless by specifically pin-pointing that since the Sabha has been declared as an institution of national importance by Act 14 of 1964, the 3rd respondent has been recommending grants to the Sabha every year. When the 3rd respondent received a complaint from the petitioner, the 3rd respondent's office contacted the Central Hindi Directorate, New Delhi Head Quarters with a specific query as to whether to continue to recommend sanction of grants to the Sabha or not. In reply to the query, the Central Hindi Directorate, New Delhi, in their letter No.11-4/2002 dated 19th May, 2003, have made it very clear to continue to recommend the Sabha's case for sanction of grant. On this basis prayed for dismissal of the petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. The 1st respondent Sabha is an institution of national importance founded by the Father of the Nation, Mahatma Gandhiji in the year 1918 with the object of propagating Hindi in South India. The Dhakshina Barath Hindi Prachar Sabha Act, 1964 was passed by the Parliament and it came into force on 1st June, 1964, wherein the entire supervision of the 1st respondent Sabha vests with the Central Government by virtue of Section 6 of the said Act. Any work done, accounts maintained, alterations to the rules and regulations and dissolution of the Sabha, as complained by the petitioner, cannot be done without the prior approval of the Government of India. Whileso, the petitioner, without bringing the alleged irregularities to the notice of the Government of India and obtaining prior approval of the Central Government, cannot prematurely file the present writ petition seeking a direction to reconstitute the Sabha.

7. As the 1st respondent Sabha is an institution of national importance, the officials in-charge of the Sabha are carrying out its objects by furnishing accounts as per Sections 5 (1) and 5 (2) of the Act after approval of the balance sheets by its General Body. Therefore, it is totally unacceptable for the petitioner to contend that the Sabha is not functioning and all the grants given by the Central Government are not properly utilised and the certificate issued are not valid. The 1st respondent Sabha is also a member of the Commonwealth University. While that being so, the Sabha conducts Teacher Training Courses like, B.Ed., which are approved by the National Council for Teacher Education and the 3rd respondent also carries out inspection in the Sabha and monitors its activities regularly every year.

8. In fact, the petitioner, claiming to be a life member of the Sabha and also masquerading himself as the President of All India Annai Sonia Tamil Valarchi Peravai, Chennai and a leader of a Trade Union and also an ex-student of the Sabha, had presented a petition to the Central Bureau of Investigation alleging various malpractice. The Central Bureau of Investigation, Anti-Corruption Branch, Shastri Bhavan, Chennai, after receipt of the complaint against the officials of the Sabha, verified the genuineness of the complaint and, ultimately, found that the matter does not warrant any CBI investigation. A letter dated 23rd Dec., 2003, written by the Superintendent of Police, CBI, leaves no doubt that there is no such malpractice, as alleged by the petitioner that is taking place in the Sabha.

9. The above facts would clearly indicate the fact that the Sabha is run in accordance with the rules and regulations and, therefore, the petitioner, in any event, not being an aggrieved party, cannot file the present writ petition.

The writ petition, being deviod of merits, is accordingly dismissed. But there shall be no order as to costs.

26.04.2010
Index : Yes
Internet : Yes
GLN

To
1. The Inspector General of Registration
No.120, Santhome High Road
Chennai 600 028.

2. The Deputy Director (L)
Central Hindi Directorate
Shastri Bhavan

Chennai 600 006.

3. The Deputy Inspector General of Police
Central Bureau of Investigation
Shastri Bhavan, Chennai 600 006.

T.RAJA, J.
GLN

PRE-DELIVERY ORDER IN
W.P. NO. 18914 OF 2004

Pronounced on
26.04.2010